

**BOROUGH OF PENNINGTON
ORDINANCE 2026-5**

**AN ORDINANCE AMENDING CHAPTER 215 “ZONING”, ARTICLE VII “ZONE
REGULATIONS” TO INCLUDE NEW SECTION 215-78.4 ENTITLED “AH-2 AFFORDABLE
HOUSING ZONE”**

WHEREAS, the Borough, as part of its fourth round Housing Element and Fair Share Plan, has identified property appropriate for rezoning to provide the opportunity for the construction of new multifamily dwellings, including a set-aside of units affordable to low and moderate income households; and

WHEREAS, the Mayor and Council has endorsed the fourth round plan adopted by the Planning Board and is desirous of implementing the mechanism identified in that fourth round, which requires rezoning of the property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Pennington, in the County of Mercer and State of New Jersey as follows:

Section I. The following section shall be added to the Code, to read as follows:

Section 215-78.4 “AH-2 Affordable Housing Zone”

- A. Intent. It is the intent of the AH-2 Affordable Housing Zone to provide the opportunity for the construction of new multifamily housing, including a setaside of units affordable to low and moderate income households.
- B. Low and moderate income housing requirements. Where the affordable housing units proposed are for-rent, a minimum of 15% of the total number of units proposed shall be deed restricted for occupancy by low and moderate income households. Where the affordable housing units proposed are for-sale, a minimum of 20% of the total number of units proposed shall be deed restricted for occupancy by low and moderate income households. Thirteen percent (13%) of the total affordable housing units proposed shall be deed restricted for very low income households. All units shall comply with the Borough’s affordable housing ordinance, Chapter 58, the Fair Housing Act and the Uniform Housing Affordability Controls. Rental affordable housing units shall be deed restricted for a minimum period of 40 years and for-sale affordable housing units shall be deed restricted for a minimum period of 30 years.
- C. Permitted uses on the land and in the buildings.
 - (1) The following are principal permitted uses in the district:
 - (a) Multifamily apartments.
 - (2) Accessory uses permitted.
 - (a) Off-street parking
 - (b) Signs
 - (c) Fences and walls
 - (d) Typical interior amenities including but not limited to fitness centers, business centers, community rooms and libraries for use by residents
 - (e) Outdoor recreation facilities
 - (f) Stormwater management facilities
 - (g) Enclosures for the storage of trash and recycling
 - (h) Utilities including but not limited to transformers
 - (i) Solar panels mounted to the roof of a building

- (j) Electric vehicle charging infrastructure and electric vehicle charging stations

D. Bulk standards.

(1) The following bulk standards are required for garden apartments:

- (a) Minimum tract area: 1 acre
- (b) Minimum front yard setback: 15 feet
- (c) Minimum side yard setback: 40 feet
- (d) Minimum rear yard setback: 50 feet
- (e) Minimum setback of parking from tract boundary: 8 feet
- (f) Maximum permitted building coverage: 30%
- (g) Maximum permitted impervious coverage: 70%
- (h) Maximum permitted building height: 45 feet and 3 stories
- (i) Maximum building length: 150 feet
- (j) Minimum landscaped buffer adjacent to existing public streets: 10 feet
- (k) Minimum distance from building to parking spaces: 5 feet

E. Other provisions and requirements.

- (1) There shall be included in any new multifamily housing development an indoor or outdoor area for the collection and storage of residentially generated trash and recyclable materials. Separate containers or storage bins shall be provided for both trash and recyclable materials.
- (2) Off-street parking shall be provided at a rate of 1.5 spaces per dwelling unit, regardless of the number of bedrooms in the dwelling unit.

Section II. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Pennington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section III. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

Introduced: February 2, 2026

Advertised: February 6, 2026

Public Hearing: _____

Adopted: _____

Published: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

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RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Rubenstein	M			
Chandler	X				Stern	S			
Kassler-Taub	X				Valenza	X			

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
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Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				